



Federal Communications Commission
Washington, D.C. 20554

DA 09-2278

October 23, 2009

Karis A. Hastings, Esq.
Hogan & Hartson LLP
555 Thirteenth Street, NW
Washington, DC 20004

Re: IBFS File No. SAT-LOA-20080910-00173 (Call Sign: S2763)

Dear Ms. Hastings:

This letter concerns SES Americom, Inc.'s (SES Americom) pending request to construct, launch, and operate a 17/24 GHz Broadcasting-Satellite Service (BSS) space station at the 67.5° W.L. orbital location using the 17.3-17.8 GHz (space-to-Earth) and the 24.75-25.25 GHz (Earth-to-space) frequency bands, with the 17.7-17.8 GHz (space-to-Earth) frequency band limited to international service only. For reasons discussed below, we partially dismiss the application as defective, without prejudice to refiling.

Section 25.112¹ of the Commission's rules requires the Commission to return, as unacceptable for filing, any space station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. In its application, SES indicates that the space station will provide service to the Continental U.S. (CONUS) using a fixed antenna beam, to South America using two fixed antenna beams (one covering Brazil and the other covering the remainder of South America), and to Mexico using a steerable antenna beam. Section 25.114(d)(3) of the Commission's rules provides that the application shall include in narrative form, the "[p]redicted space station antenna gain contour(s) for each transmit and each receive antenna beam and nominal orbital location requested. These contour(s) should be plotted on an area map at 2 dB intervals down to 10 dB below the peak value of the parameter and at 5 dB intervals between 10 dB and 20 dB below the peak values, with the peak value and sense of polarization clearly specified on each plotted contour...."² While SES Americom provided antenna gain contours for the steerable Mexico transmitting and receiving beams in both polarizations, it failed to include the requisite number of intervals for each diagram. Specifically, SES Americom only provided -4 dB, -10 dB, and -20 dB gain contours. SES Americom did not seek a waiver of Section 25.114(d)(3) with respect to the requirement to provide antenna gain contour diagrams for the steerable Mexico transmitting and receiving beams and accordingly this aspect of its application is subject to dismissal.³

¹ 47 C.F.R. § 25.112.

² 47 C.F.R. § 25.114(d)(3).

³ We note that in its application, SES Americom requests a limited waiver of Section 25.114(d)(3) of the Commission's rules with respect to the submission of predicted antenna gain contours in .gxt format for the non-Brazilian South American uplink beams. This waiver request does not address the steerable antenna beams covering Mexico. Narrative at 4-5.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we partially dismiss the application of SES Americom with respect to the portion of its application relating to the steerable antenna beam without prejudice to refiling.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau